

ALLYN &
FORTUNA
LLP
ATTORNEYS AT LAW

April 12, 2021

Via Electronic Case Filing
Hon. Katherine Polk Failla, U.S.D.J.
United States District Court
Southern District of New York
40 Foley Square, Room 2103
New York, NY 10007

NEW YORK
1010 AVENUE OF THE AMERICAS
NEW YORK, NEW YORK, 10018
TELEPHONE: (212)213-8844
FACSIMILE: (212)213-3318

NEW JERSEY
51 JFK Parkway
Short Hills, New Jersey 07078
Telephone (973) 379-0038
Facsimile (973) 379-0048

Re: Martinez-Cruz, et ano. v. York Bagels Inc. et ano.
Case No.: 1:20-cv-4084 (KPF) (SN)

Dear Judge Failla:

Allyn & Fortuna LLP represents the plaintiffs, Rogelio Martinez-Cruz and Erick Martinez-Castillo (collectively referred to as "Plaintiffs"), in the above-referenced case.

The instant action is for alleged violations of the Fair Labor Standards Act, 29 U.S.C. § 201 et seq. ("FLSA") and the New York State Labor Law, Articles 6 & 19 ("NYLL"). Plaintiffs' counsel is writing to request an extension on the fact discovery deadline in this case, which is currently set for April 22, 2021 and an adjournment of the pre-trial conference scheduled for April 27, 2021.

The reason for the requested extension and adjournment is that since March 25, 2021, Plaintiffs' counsel has been trying to schedule Defendants' depositions but due to the Jewish holidays Defendants' counsel was unable to speak to his clients and unable to provide dates for their depositions. Counsel for the parties have been in communication regarding the scheduling of the depositions and the notice to admit deadlines but Plaintiffs' counsel is still waiting on Defendants to provide dates on which they are available to be deposed. This is the first request for an extension that has been made by either party.

Counsel for both parties were initially going to submit a joint letter requesting the extension/adjournment. However, we could not agree on the reason necessitating the request.

Please let us know if you have any questions or require further information in connection with this request. Thank you for your courtesy and attention to this matter.

Respectfully submitted,
/s/ Paula Lopez

Cc.: Defendants' counsel (via ECF)